

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**BUILDING TRADES UNITED PENSION
TRUST FUND and NACARCI FEASTER,
WISCONSIN LABORERS HEALTH FUND,
BUILDING & PUBLIC WORKS LABORERS
VACATION FUND, and MILES MERTENS,
WISCONSIN MASONS PENSION FUND,
WISCONSIN MASONS HEALTH CARE FUND,
WISCONSIN MASONS APPRENTICESHIP &
TRAINING FUND, BRICKLAYERS AND ALLIED
CRAFTSMEN DISTRICT COUNCIL OF WISCONSIN,
and JEFFREY LECKWEE,**

Plaintiffs,

v.

Case No. 07-C-393

UNION CONSTRUCTION CORPORATION,

Defendant.

ORDER FOR DISMISSAL

Upon all the files and proceedings had, and more particularly upon the Stipulation for Dismissal of the parties attached hereto,

IT IS HEREBY ORDERED that UCC owes \$92,355.15 to the Building Trades United Pension Trust Fund in contributions, interest and liquidated damages through the work month February 2007; \$2,279.85 to the Wisconsin Laborers Health Fund and Building & Public Works Laborers Vacation Fund in contributions, interest and liquidated damages through the work month June 2006; and \$1,038.38 to the Wisconsin Masons Pension Fund, Wisconsin Masons Health Care Fund, Wisconsin Masons Apprenticeship & Training Fund and Bricklayers and Allied Craftsmen District Council of Wisconsin in contributions, interest, liquidated damages and union dues through the work month June 2006;

IT IS FURTHER ORDERED that to partially resolve this matter, UCC shall pay the sum of \$95,673.38, representing all contributions, interest and liquidated damages pled in the Plaintiffs' complaint and as referenced in the preceding paragraph, as follows:

June 15, 2007	\$ 5,000.00
July 15, 2007	5,000.00
August 15, 2007	5,000.00
September 15, 2007	25,000.00
October 15, 2007	5,000.00
November 15, 2007	15,000.00
December 15, 2007	15,000.00
May 15, 2008	5,000.00
June 15, 2008	5,000.00
July 15, 2008	5,000.00
August 15, 2008	5,673.38

Each payment shall be made payable to "PGU Trust Account" and sent to:

Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, s.c.
Attn.: Benjamin A. Menzel, Esq.
1555 North RiverCenter Drive, Suite 202
Milwaukee, WI 53212

Each payment shall be considered satisfied on the date said payment is received at the address set forth above;

IT IS FURTHER ORDERED that during the course of making the payments pursuant to this Order and the Stipulation, UCC shall pay its monthly contributions to the Funds as specifically required by its collective bargaining agreements ("Labor Agreements") with the Wisconsin Laborers District Council and Bricklayers and Allied Craftsmen District Council of Wisconsin. Any failure by UCC to make any payment as required pursuant to this Stipulation, or pursuant to its Labor Agreements, shall be

considered a breach or default of this Order and the Stipulation. In the event of any such breach or default, the Plaintiffs shall send a notice of breach or default to the Defendant, said notice providing the Defendant with five (5) days to cure or rectify the breach or default. The Plaintiffs' notice shall be sent by First Class Mail and facsimile to:

Union Construction Corporation
c/o Thomas G. Schober, Esq.
SCHOBBER, SCHOBBER & MITCHELL, S.C.
16845 West Cleveland Avenue
New Berlin, WI 53151
Fax: 262/786-1073

Should the Defendant fail to cure or rectify any breach or default within five (5) days of the notice being sent, the Funds shall be entitled to reopen this case and take judgment against UCC in the amount of \$95,673.38, plus any contributions, interest and liquidated damages owed as a result of UCC's failure to make monthly contribution payments pursuant to its Labor Agreements, less all payments made by UCC pursuant to this Order and the Stipulation, plus all attorneys fees and costs incurred in this matter;

IT IS FINALLY ORDERED, that this case is hereby dismissed without prejudice and that this Court shall retain jurisdiction over this matter until all terms and conditions of this Order and the Stipulation are satisfied. If UCC fails to satisfy the terms and conditions of this Order or the Stipulation, the Plaintiffs are entitled to reopen this case and have judgment entered against UCC as set forth in this Order and the Stipulation, plus all reasonable attorney fees and costs incurred by the Plaintiffs in the prosecution of this matter.

Dated at Milwaukee, Wisconsin, this 19th day of June, 2007.

BY THE COURT:

s/Aaron E. Goodstein
AARON E. GOODSTEIN
U.S. Magistrate Judge